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| KNOBBE MARLETT OLSON & BEAR LLP | | | EXAMINER | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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jcartee@kmob.com
eOAPilot@kmob.com

| | | |
|------------------------------|--------------------------------------|-------------------------------------|
| Office Action Summary | Application No. 10/720,712 | Applicant(s) GREEN, NIGEL |
| | Examiner LIN LIU | Art Unit 2445 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 June 2009.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-43 and 49-68 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-43 and 49-68 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/06/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. This office action is responsive to communications filed on 06/08/2009.
2. Claims 1-43 and 49-68 are pending and have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 8-14, 16-17, 18-37, 39-43, 49-60 and 62-68 are rejected under 35 U.S.C. 102(e) as being anticipated by **Mateos (PGPUB: US 2003/0050995 A1)**.

With respect to **claim 1**, Mateos teaches a method of dynamically generating and serving web pages, the method comprising:

receiving a page request at a server, the page request generated by a web browser running on a user computer and corresponding to a web page that is generated dynamically (Mateos: fig. 2, page 2, paragraphs 27-28, noted that the browser request);

in response to the page request, sending a service request **from** the server to a service to request service data to incorporate into the web page

(Mateos: fig. 2, page 2, paragraph 28, noted that the web server accesses a repository of view templates for dynamic web pages);

before the service returns the service data, transmitting a first portion of the web page from the server to the user computer for display by the web browser, said first portion including viewable content that is viewable on the user computer while the service request is pending, and including a placeholder for the requested service data (Mateos: page 1, paragraph 15, page 3 paragraph 58 and page 5 paragraphs 76 & 80, noted that the dynamic information and the corresponding instructions are transmitted to the client computer independently in two steps);

after the service returns the service data and before the web page has been fully loaded, transmitting from the server to the web browser a second portion of the web page, the second portion including the service data (Mateos: page 3 paragraph 58 and page 5 paragraphs 76 & 80, noted that the second section of the view template is transmitted independently to the client); and

transmitting to the user computer a page update handler which, when executed by the web browser, incorporates the service data included within the second portion of the web page into the first portion of the web page in a viewable form (Mateos: page 1, paragraph 15, page 3 paragraph 58 and page 5 paragraphs 76 & 80).

With respect to **claim 2**, Mateos teaches the method of Claim 1, wherein the placeholder comprises a display object, and the page update handler

populates the display object with at least some of the service data included within the second portion of the web page (Mateos: page 5 paragraphs 76 & 80).

With respect to **claim 3**, Mateos teaches the method of Claim 2, wherein the display object is positioned above at least some of said viewable content within the first portion of the web page (Mateos: page 5 paragraph 86).

With respect to **claim 4**, Mateos teaches the method of Claim 1, wherein the service data is included in the second portion of the web page in a condensed form in which at least some format coding is omitted, and the page update handler adds format coding to the service data to format the service data for display, whereby a quantity of data transmitted to the web browser is reduced (Mateos: page 3 paragraph 55-56 and page 5, paragraph 71).

With respect to **claim 5**, Mateos teaches the method of Claim 1, wherein the service data is included in the second portion of the web page in a hidden format (Mateos: page 3 paragraph 55-56 and page 5, paragraph 71).

With respect to **claim 6**, Mateos teaches the method of Claim 1, wherein the page update handler is transmitted to the user computer as part of the first portion of the web page (Mateos: page 2 paragraph 28).

With respect to **claim 8**, Mateos teaches the method of Claim 1, wherein the placeholder for the requested service data is included within the first portion of the web page in response to a failure of the service to return the service data within a selected time interval (Mateos: page 2 paragraph 28).

With respect to **claim 9**, Mateos teaches the method of Claim 1, wherein the placeholder for the requested service data is included within the first portion

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of the web page in response to a server decision to defer rendering of a portion of the web page, said server decision being based at least in part on response time data collected for the service (Mateos: page 5 paragraph 75).

With respect to **claim 10**, Mateos teaches the method of Claim 1, wherein the placeholder for the requested service data is included within the first portion of the web page in response to a server decision to defer rendering of a portion of the web page, said server decision taking into consideration at least one of the following: (a) a load level of the service, (b) a load level of a web server system that responds to the page request (Mateos: page 5 paragraph 75).

With respect to **claim 11**, Mateos teaches the method of Claim 1, wherein the second portion of the web page includes a command that causes the web browser to execute the page update handler (Mateos: page 5 paragraphs 76 & 80).

With respect to **claim 12**, Mateos teaches the method of Claim 1, wherein the first portion of the web page includes a command that causes the web browser to execute the page update handler upon completion of loading of the web page (Mateos: page 2 paragraph 28).

With respect to **claim 13**, Mateos teaches the method of Claim 1, wherein the page update handler comprises a JavaScript function (Mateos: page 3 paragraph 55).

With respect to **claim 14**, Mateos teaches the method of Claim 1, wherein the service request is one of a plurality of service requests generated in response to the page request (Mateos: page 5 paragraph 72).

With respect to **claim 16**, Mateos teaches the method of Claim 1, wherein the page update handler selects a display format to use to display the service data in the web page based at least in part on a dimension of a window of the web browser running on the user computer (Mateos: page 5 paragraphs 76-79).

With respect to **claim 17**, Mateos teaches the method of Claim 1, wherein the page update handler selects a display format to use to display the service data in the web page based at least in part on a quantity of the service data (Mateos: page 5 paragraphs 76-79).

With respect to **claim 49**, Mateos teaches the method of Claim 1, wherein the method is performed by a web server system that comprises one or more physical servers (Mateos: fig. 1-2, page 2, paragraphs 22-24).

With regard to **claims 18-26 and 50**, the limitations of these claims are substantially the same as those in claims 1-6, 8-14, 16-17 and 49. Therefore the same rationale for rejecting claims 1-6, 8-14, 16-17 and 49 is used to reject claims 18-26 and 50. By this rationale **claims 18-26 and 50** are rejected.

With regard to **claims 27-37, 39-43 and 51**, the limitations of these claims are substantially the same as those in claims 1-6, 8-14, 16-17 and 49. Therefore the same rationale for rejecting claims 1-6, 8-14, 16-17 and 49 is used to reject claims 27-37, 39-43 and 51. By this rationale **claims 27-37, 39-43 and 51** are rejected.

With regard to **claims 52-60 and 62-64**, the limitations of these claims are substantially the same as those in claims 1-6, 8-14, 16-17 and 49. Therefore the same rationale for rejecting claims 1-6, 8-14, 16-17 and 49 is used to reject claims 52-60 and 62-64. By this rationale **claims 52-60 and 62-64** are rejected.

With respect to **claim 65**, Mateo teaches the system of claim 52, wherein the web server system is additionally programmed to respond to the request from the browser by dynamically generating the first portion of the web page using data retrieved by the web server system from at least one additional service (Mateo: page 2, paragraph 28 and page 5, paragraphs 73-74 and 80).

With respect to **claim 66**, Mateo teaches the system of Claim 65, wherein the web server system is operative to incorporate into said first portion of the web page a viewable status message reflecting that additional data is being retrieved (Mateo: page 2, paragraph 28 and page 5, paragraphs 73-74 and 80).

With respect to **claim 67**, Mateo teaches the method of claim 1, wherein the method additionally comprises responding to the page request by dynamically generating the first portion of the web page on said server using data retrieved from at least one additional service (Mateo: page 2, paragraph 28 and page 5, paragraphs 73-74 and 80).

With respect to **claim 68**, Mateo teaches the method of claim 67, wherein dynamically generating the first portion of the web page comprises incorporating into the web page a viewable status message reflecting that additional data is being retrieved (Mateo: page 2, paragraph 28 and page 5, paragraphs 73-74 and 80).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Mateos (PGPUB: US 2003/0050995 A1)** in view of **Starkey (PGPUB: US 2002/0059327 A1)**.

With respect to **claim 7**, Mateos teaches a method of transmitting the instructions separately from the web page (Mateos: page 5, paragraph 80). However, Mateos does not explicitly teach a method of transmitting a page update handler to the user computer as part of a library file, separately from the web page.

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In the same field of endeavor, Starkey teaches a method of transmitting a page update handler to the user computer as part of a library file, separately from the web page (Starkey: fig. 1, page 3, paragraphs 38-39, note the Java Classes).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the features above as taught by Starkey in Mateos' invention in order to reduce network traffic by transmitting packets separately over the network.

8. Claims 15, 38 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mateos (PGPUB: US 2003/0050995 A1) in view of Samar (Patent no.: US 6,563,514 B1).

With respect to **claim 15**, Mateos teaches all of the claimed limitations, except that he does not explicitly teach a method of implementing the web page as mouse-over text that is displayed by the web browser when a mouse cursor is positioned over a corresponding display element.

In the same field of endeavor, Samar teaches a method of implementing the web page as mouse-over text that is displayed by the web browser when a mouse cursor is positioned over a corresponding display element (Samar: abstract, fig. 8, and col. 10, lines 26-39).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the features above as taught by Samar in Mateos' invention in order to dynamically display the additional

information with regard to the element without requiring any further action from the user (Samar: col. 1, lines 59-67).

With regard to **claims 38 and 61**, the limitations of this claim are substantially the same as those in claim 15. Therefore the same rationale for rejecting claim 15 is used to reject claims 38 and 61. By this rationale **claims 38 and 61** are rejected.

Response to Arguments

9. Applicant's arguments filed on 06/08/2009 have been fully considered but they are not persuasive.

10. After carefully reviewing the Applicant's remarks, the following is a list of Applicant's main concerns on the previous Office Action

a. On pages 12-13 of Applicant's remark, Applicant argues that "Although paragraph 0080 of Mateo mentions that the dynamic information and corresponding instructions can alternatively be transmitted to the client computer "independently," this does not suggest that the transmission of the page, or any portion of it, would begin before the dynamic information has been fully retrieved."

b. On page 13 of Applicant's remark, Applicant argues that Mateo fails to teach specific limitations in claims 1, 18, 27 and 52.

11. In response to applicant's argument a, the examiner disagrees. Mateo specifically discloses that the dynamic information and the view template are transmitted from the server computer, and the server computer does not need to

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have the entire dynamic information available on the server computer (Mateo: page 5, paragraphs 73-74) for viewing the dynamic information on client's computer. Additionally, Mateo discloses that the dynamic information and the corresponding instructions are transmitted to the client computer independently; the corresponding instruction is to be executed and populated the dynamic information with the view template to be update the information for the client (Mateo: page 2, paragraph 28 and page 5, paragraph 80). Therefore, it'd have been reasonable for a person of ordinary skill in the art at the time of invention to realize that the view template would have to be display to the client first before the dynamic information can be populated with the corresponding instructions.

12. In response to applicant's argument **b**, the examiner disagrees. Since Applicant argument relies upon argument a. See the explanation with response to argument a.

13. Applicant has had an opportunity to amend the claimed subject matter, and has failed to modify the claim language to distinguish over the prior art of record by clarifying or substantially narrowing the claim language. Thus, Applicant apparently intends that a broad interpretation be given to the claims and the Examiner has adopted such in the present and previous Office action rejections. See *In re Prater and Wei*, 162 USPQ 541 (CCPA 1969), and MPEP 2111.

14. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the

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claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

15. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly defines the claimed invention.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN LIU whose telephone number is (571)270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Srivastava Vivek can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Liu/
Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445